

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

CELANESE CORPORATION,

Plaintiff,

vs.

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY; CONTINENTAL CASUALTY  
COMPANY; and TRANSPORTATION  
INDEMNITY COMPANY,

Defendant(s).

CA No. 7:15-cv-4453-TMC

**FOURTH CONSENT AMENDED  
SCHEDULING ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules, the following schedule is further amended for this case.

1. Plaintiff shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to other parties by February 21, 2017.<sup>1</sup>
2. Defendants shall file and serve a document identifying by full name, address, and telephone number each person whom Defendants expect to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to other parties by March 20, 2017.
3. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than March 30, 2017. Objections to such affidavits

<sup>1</sup> Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions; (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).

4. Discovery shall be completed no later than May 4, 2017. All discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.
5. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than May 18, 2017. (See Fed. R. Civ. P. 16(b)(2)). See below ¶ 8 for motions *in limine* deadline.
6. Mediation shall be completed in this case on or before May 11, 2017. See Mediation Order filed on 12/16/15 for mediation requirements [Doc. 10].
7. No later than August 3, 2017, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and serve Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
8. Motions *in limine* must be filed at least two weeks prior to date of trial.
9. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. (See Local Civil Rule 26.07).
10. This case is subject to being called for jury selection and trial on or after September 8, 2017.

**A request for a continuance of the trial date must be agreed to and signed by the party and his attorney requesting and/or consenting to the continuance.**

**The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within fourteen (14) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.**

**Any motions pending on the date of the Bar Meeting will be heard at the Bar Meeting and you should be prepared to argue them at that time.**

**NOTICE: You are expected to be available for trial of this case from September 8, 2017, through November 2017 unless the court notifies you of a later date. If you presently have**

**a conflict during this time period, notify the court in writing within seven (7) days of the date of this order. You will not be excused without leave of court.**

s/Timothy M Cain  
United States District Judge

January 25, 2017  
Anderson, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.